

IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

2026:PHHC:072343



CRM-M-21126-2026 (O&M)

Sarabjit Kaur & another

... Petitioners

Vs.

State of Punjab

... Respondent

1.	The date when the judgment is reserved	06.05.2026
2.	The date when the judgment is pronounced	08.05.2026
3.	The date when the judgment is uploaded on the website	08.05.2026
4.	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5.	The delay, if any, of the pronouncement of full judgment, and reasons thereof	Not applicable

CORAM: HON'BLE MRS. JUSTICE MANISHA BATRA

Present: Mr. Prateek Pandit, Advocate for the petitioners.

Mr. Roshandeep Singh, AAG, Punjab.

Mr. J.S. Dadwal, Advocate for the complainant.

...

Manisha Batra, J. (Oral).

1. The present petition has been filed under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short ‘BNSS’) by the petitioners seeking grant of anticipatory bail in case arising out of FIR No.45, dated 20.03.2026, registered under Section 108 of the BNS, at Police

Station Khilchian, District Amritsar (Rural).

2. The aforementioned FIR has been registered on the basis of statement recorded by complainant – Rajwinder Kaur, alleging therein that his son Arshdeep Singh was engaged with Kirandeep Kaur, daughter of petitioner No.1 about 02 years back. Kirandeep Kaur had gone to Dubai about 01 month back and thereafter, she started having minimal contact with Arshdeep Singh and conveyed to him that she did not want to perform marriage with him. She used to insult him. Her son told about all these facts to her as well as to the petitioners and his other family members but instead of making Kirandeep Kaur understand, they started abusing and threatening her son, due to which he was perturbed and consumed some poisonous substance on 10.03.2026. He was admitted to Lifeline Hospital but died during the course of treatment on 20.03.2026. By alleging that Kirandeep Kaur, the petitioners and other family members were responsible for suicidal death of her son, she prayed for taking action in the matter.

3. After registration of the FIR, investigation proceedings have been initiated. Apprehending their arrest, the petitioners jointly moved an application for grant of pre-arrest bail, which was dismissed by the Court of learned Additional Sessions Judge, Amritsar vide order dated 02.04.2026.

4. It is argued by learned counsel for the petitioners that they have been falsely implicated in this case. The ingredients for commission of offence punishable under Section 108 of the BNS are not at all attracted qua them. The deceased had died after a period of 10 days after consuming poisonous substance. He did not record any statement holding the petitioners to be responsible for committing suicide by him. No suicide note has been

left behind by him. He was a man of weak intellect. There had been no instigation on the part of the petitioners in commission of act of suicide by him. The refusal to perform marriage by daughter of petitioner No.1 with the victim did not constitute abetment of suicide. There was no material to show that the petitioners used any abusive language against him. The petitioners are ready to join the investigation. Their custodial interrogation is not required. No recovery is to be effected from them. It is, thus, urged that the petition deserves to be allowed.

5. Status report has been filed. Learned State counsel has argued that the allegations against the petitioners are serious in nature. For the purpose of conducting thorough and proper investigation in the matter, their custodial interrogation is must. It is, therefore, stressed that they do not deserve to be extended the benefit of bail.

6. This Court has heard the rival submissions made by learned counsel for the parties.

7. The petitioners in connivance with other co-accused are alleged to have abetted suicide by victim Arshdeep Singh, who was son of the complainant. He had consumed some poisonous substance on 10.03.2026 and had died on 20.03.2026. Admittedly, no suicide note had been left by him nor any dying declaration had been made by him. The petitioners have been booked for commission of offence punishable under Section 108 of the BNS which is *pari materia* with Section 306 of the IPC. In order to prove the case under this provision, it must be shown that the accused played some active role by an act of instigating or by doing certain acts to facilitate the commission of suicide. Abusing or refusal to perform marriage by the

daughter of the petitioner No.1, without any positive action on the part of the petitioners proximate to the time of occurrence, which led to suicide, *prima facie* would not amount to commission of an offence punishable under Section 108 of the BNS. At this stage, there is no material on record to show that the petitioners had requisite *mens rea* to abet suicide by the victim. It goes without saying that abetment involved in mental process of instigating a person or intentionally aiding in doing of a thing. The allegations do not make out a *prima facie* case as against the petitioners. In view of these facts, however, without commenting on the merits of the case lest the same prejudice the case of either of the parties in any manner whatsoever, the petition is allowed and the petitioners are ordered to be extended benefit of anticipatory bail, subject to their joining investigation and surrendering within a period of 15 days from the date of receipt of a certified copy of this order and upon their doing so, they shall be released on bail by the **Investigating Officer** on furnishing personal as well surety bonds to his satisfaction and further subject to following conditions:-

- (i) the petitioners shall cooperate with the investigation and shall appear before the investigating officer/arresting officer as and when required.
- (ii) they shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her from disclosing such facts to the Court or to any Police Officer.
- (iii) they shall not commit any similar offence

while on bail.

8. In case of violation of any of the above conditions, the jurisdictional Court shall be empowered to consider the application for cancellation, if any, and pass appropriate orders in accordance with law.

08.05.2026

harjeet

(MANISHA BATRA)
JUDGE

Whether speaking/reasoned :	Yes/No
Whether reportable :	Yes/No